

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred Senate Bill 298, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Replace the effective dates in SECTIONS 9 through 17 with
- 2 "[EFFECTIVE JULY 1, 2001]".
- 3 Page 7, line 8, delete "[EFFECTIVE JANUARY 1, 2003]" and
- 4 insert "[EFFECTIVE JULY 1, 2001]".
- 5 Page 7, line 8, after "Sec. 1." insert "(a)".
- 6 Page 7, line 8, strike "shall be".
- 7 Page 7, line 9, strike "and".
- 8 Page 7, line 9, strike "hereby".
- 9 Page 7, line 9, delete "Superior Court" and insert "**a court of record**
- 10 **to be known as the Howard** superior court".
- 11 Page 7, line 9, strike "in Howard County, Indiana,".
- 12 Page 7, line 10, strike "which shall consist of".
- 13 Page 7, line 10, delete "three (3)" and insert "**(referred to as "the**
- 14 **court" in this chapter). Howard County comprises the judicial**
- 15 **district of the court.**

1 **(b) The court has four (4)".**

2 Page 7, line 10, strike "hold their".

3 Page 7, strike lines 11 through 12 and insert **"be elected at the**
 4 **general election every six (6) years in Howard County. A judge's**
 5 **term begins January 1 following the election and ends December**
 6 **31 following the election of the judge's successor.**

7 **(c) To be eligible to hold office as judge of the court, a person**
 8 **must:**

9 **(1) be a resident of Howard County;**

10 **(2) be less than seventy (70) years of age at the time of taking**
 11 **office; and**

12 **(3) be admitted to the bar of Indiana.**

13 SECTION 20. IC 33-5-20.1-4 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. ~~The superior court;~~
 15 ~~within and for the county, shall have original and concurrent~~
 16 ~~jurisdiction with the circuit court in all civil actions and proceedings at~~
 17 ~~law and in equity; probate and guardianship proceedings; actions for~~
 18 ~~divorce, separation, or annulment of marriage; and in all criminal cases~~
 19 ~~and proceedings; Provided, however, That the Superior court shall not~~
 20 ~~have the jurisdiction of a juvenile court or judge thereof; as defined by~~
 21 ~~IC 33-12.~~

22 The Superior Court, within and for said county, shall have original
 23 and concurrent jurisdiction in all appeals or reviews from boards of
 24 county commissioners, other executive or administrative agencies or
 25 inferior courts, and all other appellate jurisdictions vested in the circuit
 26 court. **(a) Except as provided in subsection (b), the court has the**
 27 **same jurisdiction as the Howard circuit court.**

28 **(b) The Howard circuit court has exclusive juvenile jurisdiction.**

29 SECTION 21. IC 33-5-20.1-7 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. The judges of the
 31 court ~~shall have the same power to grant restraining orders, injunctions~~
 32 ~~and writs of ne exeat; to issue writs of habeas corpus and of mandate~~
 33 ~~and prohibition; to appoint receivers, masters and commissioners to~~
 34 ~~convey real property; and to grant commissions for the examination of~~
 35 ~~witnesses; and to appoint other officers necessary to facilitate and~~
 36 ~~transact the business of the court as is now or may hereafter be~~
 37 ~~conferred on circuit courts or the judges thereof; powers relating to~~
 38 **the conduct of the business of the court as the judge of the Howard**

1 circuit court. A judge of the court also may administer oaths,
 2 solemnize marriages, and take and certify acknowledgments of
 3 deeds.

4 SECTION 22. IC 33-5-20.1-8 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. ~~The superior~~ **Each**
 6 **judge of the** court of Howard County shall hold its sessions in the
 7 Howard County courthouse in ~~the city of~~ Kokomo, Indiana, or in ~~such~~
 8 **the other convenient and suitable place places in the county** as the
 9 board of county commissioners of Howard County shall provide. Said
 10 Board of county commissioners shall provide and maintain a suitable
 11 and convenient courtroom for the holding of the court, with a suitable
 12 and convenient jury room and offices for the judge and the official
 13 court reporter, which rooms shall be ready for occupancy by July 1,
 14 1974; and the county council shall meet and appropriate all necessary
 15 funds therefor. ~~executive may provide.~~ **The county executive shall**
 16 **provide and maintain suitable courtrooms and other rooms and**
 17 **facilities, including furniture and equipment, as may be necessary.**
 18 **The Howard County fiscal body shall appropriate sufficient funds**
 19 **for the provision and maintenance of these rooms and facilities.**

20 SECTION 23. IC 33-5-20.1-13 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. Each judge shall
 22 appoint a bailiff and a court reporter ~~whose duties, salary and term~~
 23 ~~shall be regulated in the same manner as now or hereafter provided for~~
 24 ~~the circuit court.~~ **A judge of the court may appoint a referee,**
 25 **commissioner, or other personnel as the judge considers necessary**
 26 **to facilitate and transact the business of the court. Their salaries**
 27 **shall be fixed in the same manner as the salaries of the personnel**
 28 **for the Howard circuit court. Their salaries shall be paid monthly**
 29 **out of the treasury of Howard County as provided by law.**
 30 **Personnel appointed under this section continue in office until**
 31 **removed by the judge of the court.**

32 SECTION 24. IC 33-5-20.1-15 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. Prior to the
 34 commencement of any term of said court, at the time and place
 35 provided by law, the clerk of said court and jury commissioners
 36 appointed by the judge of the circuit court of said county as provided
 37 by law, shall proceed to select a petit jury, in the manner as is now
 38 provided by law, to serve at the next ensuing term of court, and the

officers in selecting, and the clerk, in issuing process for, the jury, and the sheriff in serving the same, shall in all things be governed by the rules and regulations prescribed for the selection of petit jurors in the circuit court: Provided, That the court may order on what day of the term the jurors shall be summoned to attend the court. The judge of the court may order the selecting and summoning of other jurors for the court whenever the same may be necessary. **The jury commissioners appointed by the judge of the Howard circuit court shall serve as the jury commissioners for the court. Juries shall be selected in the same manner as juries for the Howard circuit court. The grand jury selected for the Howard circuit court shall also serve as the grand jury for the court as may be necessary.**

SECTION 25. IC 33-5-20.1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 21. The judge of the circuit court may, with the consent of ~~this~~ **a judge of the court**, transfer any action, cause or proceeding filed and docketed in the circuit court to ~~this the~~ court by transferring all original papers and instruments filed in such action, cause or proceeding without further transcript thereof to be redocketed and disposed of as if originally filed with this court.

SECTION 26. IC 33-5-20.1-27 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 27. The court has a standard small claims and misdemeanor division."**

Page 9, between lines 19 and 20 begin a new paragraph and insert: "SECTION 32. IC 33-5-44.1-1, AS AMENDED BY P.L.45-2000, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. There is hereby established a superior court in Vigo County, Indiana, which court shall consist of ~~four (4)~~ **five (5)** judges who shall hold their office for six (6) years if they behave well and until their successors have been elected and qualified. In addition to the ~~four (4)~~ **five (5)** judges, the judge of the Vigo circuit court may sit as a judge of said Vigo superior court as provided in this chapter."

Page 17, line 18, after "IC 33-5-5.1-8.5;" insert "IC 33-5-20.1-2; IC 33-5-20.1-14; IC 33-5-20.1-16; IC 33-5-20.1-17; IC 33-5-20.1-18; IC 33-5-20.1-24; IC 33-5-20.1-25; IC 33-5-20.1-26; IC 33-5-20.2;"

Page 18, line 11, delete "initial judge" and insert **"governor shall appoint the initial judge of DeKalb superior court No. 2, as added by this act. The term of the judge appointed by the governor under**

1 this subsection ends December 31, 2002. The initial election of the
2 judge of DeKalb superior court No. 2, as added by this act, is the
3 general election to be held November 5, 2002. The person elected
4 takes office January 1, 2003.

5 (b) The governor shall appoint the initial judge of the Vigo
6 superior court, as added by this act. The term of the judge
7 appointed by the governor under this subsection begins January 1,
8 2002, and ends December 31, 2004. The initial election of the judge
9 of the Vigo superior court, as added by this act, is the general
10 election to be held November 2, 2004. The person elected takes
11 office January 1, 2005.

12 (c) The governor shall appoint the initial judge of Howard
13 superior court No. 4, as added by this act. The term of the judge
14 appointed by the governor under this subsection ends December
15 31, 2002. The initial election of the judge of Howard superior court
16 No. 4, as added by this act, is the general election to be held
17 November 5, 2002. The person elected takes office January 1, 2003.

18 (d) Except as provided by this subsection, the concurrent repeal
19 of IC 33-5-20.2 by this act and the addition of one (1) of the two (2)
20 judges to the Howard superior court by IC 33-5-20.1-1, as
21 amended by this act, constitutes a relocation of the law governing
22 Howard superior court No. 3 to a new position in the Indiana Code.
23 The general assembly intends that the term of office, qualifications,
24 powers, and duties of the judge of Howard superior court No. 3 on
25 June 30, 2001, and cases pending before Howard superior court
26 No. 3 on June 30, 2001, be unaffected by this act, except that
27 Howard superior court No. 3 is subject after June 30, 2001, to the
28 court rules adopted and the orders of the presiding judge selected
29 under IC 33-5-20.1-19 and the actions taken in concert by the court
30 or by the presiding judge of the court under IC 33-5-20.1-20.

31 (e) The amendment of IC 33-5-20.1-1, except to the extent that
32 the amendment adds one (1) judge, IC 33-5-20.1-4, IC 33-5-20.1-7,
33 IC 33-5-20.1-13, IC 33-5-20.1-15, and IC 33-5-20.1-21 by this act
34 and the repeal of IC 33-5-20.1-2, IC 33-5-20.1-14, IC 33-5-20.1-16,
35 IC 33-5-20.1-17, IC 33-5-20.1-18, IC 33-5-20.1-24, IC 33-5-20.1-25,
36 and IC 33-5-20.1-26 by this act are intended to promote uniformity
37 by bringing the law governing the Howard superior court more
38 into conformity with the laws governing superior courts in other

1 judicial districts in Indiana. However, to the extent that the
 2 amendment of IC 33-5-20.1-1, as amended by this act, would
 3 otherwise disqualify a person who is a judge of a Howard superior
 4 court on June 30, 2001, the amendments concerning the
 5 qualifications of a judge of the Howard superior court do not apply
 6 to the office held by the judge until after the expiration of the
 7 current term of the judge who holds the office on June 30, 2001.

8 (f) Notwithstanding IC 33-5-10.8-17, as amended by this act, if
 9 the judge of DeKalb superior court No. 2, as added by this act, has
 10 not been appointed and qualified on July 1, 2001, the DeKalb
 11 superior court may employ or continue the employment of a
 12 part-time small claims referee under IC 33-5-2.5 to assist the court
 13 in the exercise of its small claims jurisdiction until the judge is
 14 appointed and qualified. Until the judge is appointed and qualified,
 15 the small claims referee shall be compensated, provided with
 16 suitable facilities, equipment, and administrative staff, and has
 17 powers and duties under IC 33-5-2.5 as if IC 33-5-10.8-17 had not
 18 been amended by this act."

19 Page 18, delete lines 12 through 18.

20 Page 18, line 19, delete "(c)" and insert "(g)".

21 Page 18, line 26, delete "(d)" and insert "(h)".

22 Page 18, line 26, delete "2003" and insert "2005".

23 Renumber all SECTIONS consecutively.

(Reference is to SB 298 as reprinted March 6, 2001.)

and when so amended that said bill do pass.

Representative Dvorak